

State of West Virginia
WEST VIRGINIA STATE POLICE
Professional Standards Section

INVESTIGATION NUMBER 18IA-062	REPORT OF INVESTIGATION OR INQUIRY	DATE COMPLETED December 4, 2018
DATE OF ASSIGNED November 30, 2018	STATION Martinsburg	COUNTY Berkeley
INITIAL OR SUPPLEMENTARY Initial	REPORT MADE BY First Lieutenant K. M. Smouse	STATUS OF INVESTIGATION Complete
SUBJECT OF INVESTIGATION ALLEGATIONS OF MISCONDUCT BY EMPLOYEES OF THE WEST VIRGINIA STATE POLICE		

NAME OF
EMPLOYEE(S): Trooper First Class D. R. Walker
West Virginia State Police
Martinsburg Detachment
14 Trooper Drive
Martinsburg, West Virginia 25401
(304)267-0001

Trooper First Class M. W. Kennedy
West Virginia State Police
Martinsburg Detachment
14 Trooper Drive
Martinsburg, West Virginia 25401
(304)267-0001

COMPLAINANT: Internal

ALLEGATION(S): Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.2.1, a Group II Offense, the employee failed to perform assigned work, or otherwise comply with State Police policy and procedure or administrative rules.

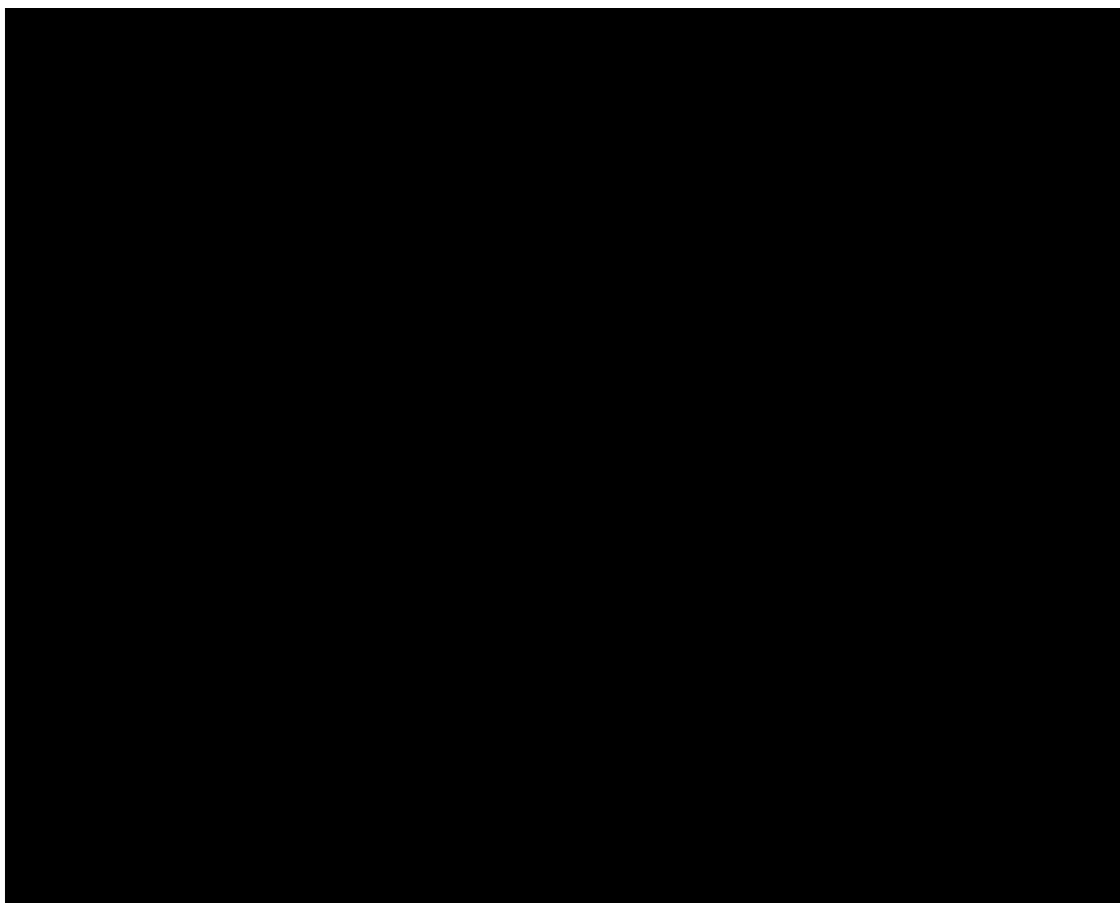
Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.19, a Group III Offense, the employee violated any law or engaged in criminal conduct on or off the job.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.28, a Group III Offense, the employee used unnecessary force during an arrest/custody procedure.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.33, a Group III Offense, the employee committed conduct unbecoming; misconduct of a substantial nature affecting the rights and interests of the public, or that casts aspersions or doubt upon a law enforcement officer's honesty and/or integrity and that directly affects the rights and interests of the public.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.34, a Group III Offense, the employee interfered with the rights or property of others.

ACTION TAKEN:



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CONCLUSION:

[REDACTED]

[REDACTED]

[REDACTED]

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.2.1, a Group II Offense, the employee failed to perform assigned work, or otherwise comply with State Police policy and procedure or administrative rules.

This allegation as it pertains to Trooper First Class D. R. Walker is hereby **Not Sustained**.

This allegation as it pertains to Trooper First Class M. W. Kennedy is hereby **Sustained**.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.19, a Group III Offense, the employee violated any law or engaged in criminal conduct on or off the job.

This allegation as it pertains to Trooper First Class D. R. Walker is hereby **Not Sustained**. However, this allegation may be modified at a later date pending the outcome of a criminal investigation.

This allegation as it pertains to Trooper First Class M. W. Kennedy is hereby **Not Sustained**. However, this allegation may be modified at a later date pending the outcome of a criminal investigation.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.28, a Group III Offense, the employee used unnecessary force during an arrest/custody procedure.

This allegation as it pertains to Trooper First Class D. R. Walker is hereby **Not Sustained**.

This allegation as it pertains to Trooper First Class M. W. Kennedy is hereby **Sustained**.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.33, a Group III Offense, the employee committed conduct unbecoming; misconduct of a substantial nature affecting the rights and interests of the public, or that casts aspersions or doubt upon a law enforcement officer's honesty and/or integrity and that directly affects the rights and interests of the public.

This allegation as it pertains to Trooper First Class D. R. Walker is hereby **Sustained**.

This allegation as it pertains to Trooper First Class M. W. Kennedy is hereby **Sustained.**

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.34, a Group III Offense, the employee interfered with the rights or property of others.

This allegation as it pertains to Trooper First Class D. R. Walker is hereby **Not Sustained.**

This allegation as it pertains to Trooper First Class M. W. Kennedy is hereby **Sustained.**

LIST OF EXHIBITS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

WITNESSES:

Berkeley County Sheriff Curtis Keller
Berkeley County Sheriff's Office
510 South Raleigh Street
Martinsburg, West Virginia 25401
(304)267-7000

Captain C. E. Platt
West Virginia State Police
Troop 2 Headquarters Charles Town
409 Industrial Boulevard
Kearnesyville, West Virginia 25430
(304)724-7986

Sergeant M. A. Cole
West Virginia State Police
Martinsburg Detachment
14 Trooper Drive
Martinsburg, West Virginia 25401
(304)267-0001

Senior Trooper D. M. Simerly
West Virginia State Police
Martinsburg Detachment
14 Trooper Drive
Martinsburg, West Virginia 25401
(304)267-0001

Brian M. Boley
West Virginia State Police
Romney Communication TAC
525 Depot Street

Romney, West Virginia 26757
(304)822-3561
Mary C. Kackley
Berkeley County 9-1-1 Director
803 Emmett Rousch Drive
Martinsburg, West Virginia 25401
(304)263-1330

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

First Lieutenant K. M. Smouse
West Virginia State Police
Troop 0, Troop 2 Inspector
409 Industrial Boulevard
Kearnesyville, West Virginia 25430
(304)724-7986

First Lieutenant K. M. Smouse

First Lieutenant K. M. Smouse
Troop 2 Inspector
West Virginia State Police